

**TOWN OF ROCKY HILL
PLANNING AND ZONING COMMISSION
MEETING OF AUGUST 20, 2014**

1. CALL TO ORDER

Vice Chairman Clements called the Wednesday, August 20, 2014, meeting to order at 6:35 p.m. in the Town Council Room, Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut.

Present: Kevin Clements, Vice Chairman
Victor Zarrilli, Secretary
Carmen D'Agostino
Giuseppe Aglieco

Alternates: William O'Sullivan
Michael Casasanta

Also: Kimberley A. Ricci, Dir. Planning & Building/Asst. ZEO
Eileen A. Knapp, Recording Secretary

Acting Chairman Clements went over the procedures for the public hearings. Commissioner Sullivan sat in for Chairman Desai who was absent. Commissioner D'Agostino said he was absent at the last meeting but he has reviewed the video and minutes of the last meeting

1. PUBLIC HEARINGS

A. Continued Hearing: Continued review of updated traffic report, peer review report, receive comments on the traffic report and comments related thereto, Proposed settlement of Elm Street Ext, Rocky Hill, LLC v. Rocky Hill Planning and Zoning Commission, zoning appeals with Elm Street Ext Rocky Hill LLC, proposing to resolve and settle its pending zoning appeal by revising its plans originally submitted in August 2013 and denied November 6, 2013 submitted as part of its applications for a Special Permit and Site Plan approval for a medical office building with associated site improvements with frontage on Elm Street Extension, Rocky Hill, CT and designated as Assessor's ID # 12-157;

Attorney Robert DeCrescenzo addressed the Commission representing the Applicant. He is requesting that the public hearing be continued until September 17, 2014 due to the fact that Mr. Bongiovanni, the Civil Engineer and Mr. Cavaliero, the Principal of the LLC. Also, he said they would like to have all the regular members of the Commission present at the time this application is voted on. There is no time limit for this Proposed Settlement Agreement. Acting Chairman Clements expressed his extreme disappointment at this request. This is an inconvenience not just for the Commission but also for the public who showed up for this hearing. At the last hearing,

there was a problem because the Traffic Engineer could not stay to answer the public's questions.

Commissioner Zarrilli said he would like to have representatives present from the firm that performed the independent traffic review at the next meeting also.

Commissioner O'Sullivan asked about the status of the legal procedures at this time. Atty. DeCrescenzo said they are in the pre-trial phase and the next proceeding will be held after the September meeting.

There was a discussion of whether or not to allow the public to speak at this time. The Commission decided to allow for public comment at this time.

Mr. Alan Mordhorst of Maple Street addressed the Commission. He said he is also frustrated at the request to continue the public hearing until September and the lack of attendance by the Applicant's team. He did submit correspondence to the Commission for their review. The initial denial was based solely on the negative impact of traffic on the surrounding area, and no other factors. This settlement proposal consists of several modifications however parking, landscaping size and location were not factors in the denial. The only modification that addresses the reason for the denial is a reduction in the size of the building, but that reduction is far from significant. The reduction is only about 5% of the original building, which equates to about 510' per floor or about 25'x20'. This modification will have little effect on traffic. At the June meeting the Attorney asked that the public hearing be continued so they could obtain a signed traffic study and they agreed to an independent traffic study. The working notes from that meeting confirm that the Commission agreed that they also wanted an "independent traffic study" and a motion was made to that effect. But, what was presented last month was only a *review* of the applicant's traffic studies that were previously submitted by the developer. Mr. Mordhorst asked the Commission to demand the independent traffic study, which they approved at the June meeting.

Another concern of Mr. Mordhorst is that this building has been referred to as a medical office building, but he is worried that this may not be the intention of the developer because it is being advertised as an "office building". Acting Chair Clements and Mrs. Ricci asked that all comments be pertaining to the issue of traffic.

Ms. Patricia Kask of 10 Osland Way addressed the Commission. She wondered if the traffic report that was done would be the same whether it was for an office building or medical office building. She also wondered if traffic counts from a Saturday are a true representation of the traffic in the area or if it would be better to get traffic counts during the peak weekday hours.

Ms. Krista Mariner of 58 Farms Village Road submitted correspondence to the Commissioners. She thinks it is unusual to ask for the full P&Z panel to be present before making a decision. She wonders if the presiding Judge over this case and the Town Attorney are aware of what is going on as far as the request for a continuation. Mrs. Ricci said the request for a continuance was sent to Attorney Morris Borea. Her main concern regarding this application is for the traffic. The Town does not have a default speed limit ordinance if a speed limit is not

posted. If this is the case how can the site distances be determined without a speed limit, since there is no posted or default speed limit? She is concerned about inadequate site lines and feels that distances should be determined by a Traffic Engineer, not a Land Surveyor.

Mrs. Mariner also wonders if the Milone & MacBroom study is a proper third party review. The Applicant's Traffic Engineer should not be the one presenting the independent traffic review. She is concerned that the Applicant's Traffic Engineer may have received the independent traffic review before the Town Staff received it. They also should have been present to go over their own report.

Acting Chair Clements noted that any public comment could be submitted to Town Staff before the next meeting. Commissioner Zarrilli said he would like the Town Attorney and a representative from Milone and MacBroom to be at the next meeting.

A MOTION was made by Commissioner Zarrilli to recess the public hearing for the Proposed settlement of Elm Street Ext, Rocky Hill, LLC v. Rocky Hill Planning and Zoning Commission, zoning appeals with Elam Street Ext Rocky Hill LLC, proposing to resolve and settle its pending zoning appeal by revising its plans originally submitted in August 2013 and denied November 6, 2013 submitted as part of its applications for a Special Permit and Site Plan approval for a medical office building with associated site improvements with frontage on Elm Street Extension, Rocky Hill, CT and designated as Assessor's ID # 12-157. The public hearing is recessed until September 17, 2014. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

B. Continued Hearing: Continued review of mixed use and handicapped parking on site for the Special Permit application for Stepney Place, LLC, proposing to convert 27, 365 square feet of office space to 36 residential apartments, under Section 4.1.2 Special Permit Section O, and Site Plan Use exceeding 10,000 square feet, for property located at 1800 Silas Deane Highway, also known as Stepney Place, in a C-Commercial Zoning District, ID#04-412;

A MOTION was made for a 5-minute recess. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Commissioner Zarrilli to come out of recess. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

Mr. Dan Bellman, Senior Vice President and Director of Construction with Simon Konover addressed the Commission. At the last meeting the Commission asked for a current site plan, which they received this evening. There are 357 parking spaces on the site of which 14 are handicapped spaces and of those, one is van accessible. They are asking for this special permit to convert the commercial space on the first and second floor into 36 residential units. Four of those units will be handicapped accessible, 24 will be studios, 9 will be one-bedroom and 3 will be two-bedrooms.

Mrs. Ricci said this public hearing was continued for the review of mixed-use regulations and availability of handicapped parking on site.

Commissioner Comments/Question

Commissioner O'Sullivan said Town Regulations do not provide for multi-family housing and he asked on what legal basis are they presenting this plan. Mr. Bellman said he is not an Attorney, but based on his previous meetings with the Town, he thought this would not be an issue. They previously had an additional 38 units on the site before they burned down. They were hoping to convert this unused commercial space into residential space. Mrs. Ricci under the Commercial Zoning District it is a site plan use to have mixed commercial and residential uses, of which this is. The interpretation of mixed-use development has been consistent and she, as Staff advised this Applicant to come before this Commission, under Section 4.1.2. Mr. Bellman said the building currently has residential units on the 3rd, 4th and 5th floors. There is also an electric contractor school and hair salon on the site. The hair salon is in the 5-story building.

Commissioner D'Agostino said the site plan they received does not have a date or signature on it. The plan doesn't include the electrical school building and it still shows the building that burned down.

Public

Mr. Barry Goldberg, with Regulatory Land Use Consulting addressed the Commission. He said this is a non-conforming use and if it is approved it will be an extension of a non-conforming use, which he said, is illegal. Thirty years ago this Commission eliminated multi-family use from the Regulations. To date, no changes to that have been made and any activity not clearly permitted in the Regulations is prohibited. There is a reason multi-family housing was removed from the Regulations 30 years ago.

Ms. Pat Hughes-Walworth of 94 Highview Drive and Owner/Broker of Hughes Realty at 48 Church Street asked that the Commission look at this application on an individual basis. The office space is out dated and doesn't have good sign exposure. She feels this location is conducive to apartments and asked the Commission to consider this when making their decision.

Ms. Krista Mariner of 58 Farms Village Road addressed the Commission. When this development opened it had 139 apartments and it currently has 139 apartments. As far as mixed-uses, she believes there should be a synergy between the uses on a property, which she doesn't believe is occurring here. She also would like to know how many school age children currently reside in these apartments. Mr. Bellman said he would find out how many school-age children live there now but he doesn't believe the additional units will add many children to the school system.

A MOTION was made by Commissioner O’Sullivan to close the public hearing for Special Permit application for Stepney Place, LLC, proposing to convert 27, 365 square feet of office space to 36 residential apartments, under Section 4.1.2 Special Permit Section O, and Site Plan Use exceeding 10,000 square feet, for property located at 1800 Silas Deane Highway, also known as Stepney Place, in a C-Commercial Zoning District, ID#04-412. Seconded by Commissioner D’Agostino. Commissioner Zarrilli said they still need additional information as well as a signed and dated site plan. He prefers to recess the public hearing. All were opposed, MOTION FAILED UNANIMOUSLY

A MOTION was made by Commissioner Zarrilli to recess the Special Permit/Site Plan Application, Jenna Cavalieri, proposing to expand a seasonal restaurant use for annual use with the addition of eight tables near the Connecticut River, placement of two dumpsters and waste oil container, and the allowance for live entertainment, for property located at 277 Meadow Road, in a WF- Waterfront and Floodplain Zoning Districts, ID# 10-321. Public hearing recessed until September 17, 2014. Seconded by Commissioner D’Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

C. Special Permit/Site Plan Application, Jenna Cavaliero, proposing to expand a seasonal restaurant use for annual use with the addition of eight tables near the Connecticut River, placement of two dumpster and waste oil container, and the allowance for live entertainment, for property located at 277 Meadow Road, in a WF- Waterfront and Floodplain Zoning Districts, ID# 10-321;

Ms. Jenna Cavaliero, Owner of Shad Row at 277 Meadow Road addressed the Commission to ask for a permit for additional seating at her restaurant, for live acoustic entertainment and placement for two dumpster on the site. She would like to have one or two musicians playing guitar or saxophone music. They are only open 6 months of the year and she plans to have music for 3 of those six months usually only twice a week. It works out to about 24 days of the year that they would have music at this site. The dumpsters are in the same place they have been for the past 12 years but if they need to be moved she is willing to do that. The additional seating is needed because the restaurant has been extremely busy and there is a waiting list every night. Ms. Cavallieri submitted a number of letters from supporters who could not attend the meeting.

Public Comment

Mr. Armando Migliarani of 40 Kimball Road, Wethersfield addressed the Commission. He was impressed with the restaurant and the family atmosphere. He is in favor of this application and feels it is a “win-win situation for the Town”.

Deb Ellenberg-Gray of Wethersfield addressed the Commission and agreed with the previous speaker. This restaurant is welcoming to all ages and has a very social atmosphere. It employs many local residents and is an improvement to what has previously been there. She is in favor of the addition of acoustical music.

Mr. Charlie Wisnioski of 660 Old Main Street addressed the Commission. His concern regarding this application has to do with compliance with the Town's Regulations and procedures. He doesn't believe this hearing should even be taking place because there is no site plan or completed site plan application on record. A site plan application must include a bulk table and the size of the parcel, which this does not. Also, you are not allowed to expand an existing non-conforming property. According to Section 7.1.4, a Commission may allow a change in a non-conforming use to a *lesser* use..." Expanding the non-conforming use and adding music violates the Regulations. This application does not address whether or not there will be enough parking to accommodate the additional seating areas. Without the proper information this Commission is unable to make a judgment about the intensity of use and the impact of these changes on adjacent properties. He suggests that the applicant should go before the Zoning Board of Appeals. This application was declined without prejudice about a month ago and there are no significant changes between that application and this one.

Mr. Dave Gilbert of 409 Cedar Hollow Drive addressed the Commission. He is impressed by the increase in quality at this new establishment. The owner is limiting the music to acoustic music and only asking for 8 additional tables, which he does not feel is excessive. If they are to have a vibrant and exciting area at Ferry Park, it will start with people like Ms. Cavalieri. He is hoping this application is approved. Mrs. Ricci said prior to 2006, the Zoning Regulations were different. When the Waterfront Zone was created they allowed, with a special permit, restaurants and eating establishments. The establishment that is on this site today, is more in conformance now that it was prior to 2006.

Mr. Scott Smith of 10 Esther Road said his house overlooks the property. He said he believes the area has already been expanded and the tables added. The applicant is here for a permit "after the fact" and this property has a history of violations. He is not in favor of the request for live music and he asked that the Commission deny this permit. There are residential properties right next to this establishment and this request is not fair to the neighborhood. He also agrees that a proper site plan application needs to be submitted.

Attorney Walter Twachtman addressed the Commission representing **Mr. James Zagroba of 263 Meadow Road.** On June 9, 2014 a cease and desist order was issued for a variety of violations and this property has been the site of creeping expansion against the regulations and without permits. The majority of items in the cease and desist have not been responded to and resolved. The Commission is now faced with a request for a permit while still having an outstanding cease and desist order on the property. This is a waterfront zone, which has specific regulations and requirements. The minimum size lot is 20,000 sq. ft. but he believes this site is less than 18,000 sq. ft. The site does not meet the front and side yard setback requirements or the landscape requirements. The tenant is now caught in the middle of this because she is the one filing the application, not the owner of the property.

Atty. Twachtman submitted a letter signed by several neighbors, including Mr. Zagroba, Mr. & Mrs. Robert & Barbara Raboin, and Ms. Joanne Bartoziak who are opposed to this application. 276 Meadow Road is directly across the street from this property and this is a historic structure. The tenant, Mrs. Bartoziak has lived there for 58 years and she is so upset by this application that

she indicated she would have to move if this application was approved. Atty. Twachtman questioned how much expansion the Town can allow on a site of this size with the violations it already has. They also need to consider traffic and the fact that Meadow Road has no sidewalks. He said this site has too many limitations to allow for an additional 8 tables.

The Commission has to consider how the addition of live music will impact the surrounding residential homes. At night the sound of the music is going to carry. Even though they say the restaurant is going to close at 10 p.m., employees and patrons may remain beyond that time. The application makes no mention of the type of lighting they will provide. Atty. Twachtman said this expansion request is not appropriate for this location and will have such a negative impact on the neighbors.

Ms. Krista Mariner of 58 Farms Village Road addressed the Commission and passed out correspondence to the Commission. She asked that the Applicant provide the legal notice that was sent to property owners within 500'. She said the application is for 277 Meadow Road but she has proof, which she provided, that the establishment is actually located at 273 Meadow Road. The Town's GIS map does not include 277 Meadow Road. Also, any special permit goes with the property and should be applied for by the property owner *not the tenant*. Ms. Mariner said there is no record of 277 Meadow Road being a legal address in Rocky Hill. According to New Public Act 05-124, the applicant is may have needed to notify the State of Connecticut 60 days prior to filing any application with this Commission. Ms. Mariner submitted copies from the Shad Roe website, showing the unpermitted upper deck about 20' from bedrooms at 276 Meadow Road. She is concerned about the liability of the Town if there is tailgating in the parking lot. She is also worried that the music will be "amplified" and not just acoustic.

Mr. Barry Goldberg of Regulatory Land Use Consulting said that a special permit runs with the land records. If this is approved it goes to the owner of the property, not the tenant. If the restaurant moves, the permit for the site will remain.

Mr. Robert Woodcock of 36 Valley Brook Road said over the years Rocky Hill has changed, sometimes for the better and sometimes not. This is an opportunity for all residents of Rocky Hill to enjoy the waterfront. This is the type of business that will help the Town move forward to being the type of Town people are hoping for and feels it fits in with the Town's plans for the future. He hopes the Commission is able to somehow facilitate the development of the waterfront in ways similar to this use so residents can continue to enjoy living here. He feels the music will be very subdued and relaxing to those enjoying the Connecticut River.

Ms. Cavalier, Jenna Cavalieri's mother addressed the Commission and said her daughter is trying to be compliant with the Regulations. She does have a lot to learn but this is a place for people to come and enjoy and socialize. The music is not meant to be intrusive to neighbors. Her daughter's motives and intentions for this restaurant are nothing but positive.

Mr. Nishan Valentini of Wethersfield addressed the Commission as an employee of the restaurant. They have been building a large base of regular customers and this is a place to get great food, relax and have fun. All the customers agree that Shad Roe is a positive addition to

the community. He is in favor of light music and additional tables as it will enable them to serve the community better.

Ms. Cavalieri said the seating on the upper deck has not changed. She doesn't plan to have additional lighting. The music would only be acoustic and it would be facing the parking lot, not towards the neighbors.

Mr. Greg Lichatz, of 273 Meadow Road addressed the Commission as the owner of the site. He said there is no cease and desist order on the property and the Commission should have everything they need to make a decision on this application. As the owner of the property he has signed the application where necessary and he is in favor of approving this application.

Mr. Freddy Rodriquez of 279 Park Street, Bristol addressed the Commission. He is the Head Cook at the restaurant and he asked for the Commission to approve the application, at least for the rest of the season to see how it works out. They can make a final decision at the end of October depending on how it goes.

Ms. Cavalieri said she did submit a plot plan to Staff, so that should be included in the Commissioner's packets.

Mr. Wisnioski said he tried to look at the file for this application twice and as of this morning there was a letter in the file dated August 8, 2014 that was supposedly served to the tenants notifying them of a violation on the property. He would like Staff to confirm this. He also did not see a site plan in the file.

Ms. Krista Mariner asked for a copy of the legal notice that was sent to the residents within 500'. She questioned whether the proper legal notice was mailed. She also asked that the provider of the live entertainment should get up and speak.

An unnamed resident of Rocky Hill addressed the Commission and she is happy that this restaurant is here and is bringing people to Rocky Hill.

Mr. Jim Zagroba of 263 Meadow Road showed a copy of the letter he said he and his sister received notifying them of the public hearing and it was for the hearing for the Elm Street Extension Application, and there was nothing about the application for the Shad Roe changes. He asked that they return everything at the sat to the way it was and the applicant can resubmit the application following the proper procedures. He feels approval of this application will decrease the value of his property, which happens to be a historic landmark. Mrs. Ricci said if the residents did in fact receive the incorrect legal notice, they should not have gone forward with the public hearing.

A MOTION was made by Commissioner Zarrilli for a 5-minute recess to allow Acting Chairman Clements and Mrs. Ricci to confer about the legal notice issue. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

Acting Chair Clements said there was some confusion about the legal notice and the question was raised about whether or not the correct notice was sent. After a discussion with Town Staff, they have decided to continue with the hearing. There wasn't any other resident within 500' who could attest to what legal notice they received. Mrs. Ricci said she would talk to the Acting Town Manager in the morning to see if they could get advice from the Town Attorney.

Ms. Cavalieri said she has been working closely with Town Staff to make sure she is following proper procedures. She hopes that the Commission will support local business and asked for the opportunity to continue serving the community.

Commissioner Comments/Questions

Commissioner Casasanta said he is confused about the number of tables the Applicant is requesting. Ms. Cavalieri said she would like to put more tables by the water and on the deck. She is willing to work with the Commission on the number of additional tables. Commissioner Casasanta said the application mentions a P.A. system and he asked if that is part of the application. Ms. Cavalieri said she is open to suggestions from the Commission. If the Commission doesn't want a P.A. system, she will not use one. Commissioner Casasanta asked if there are any outstanding issues with the site. Mrs. Ricci said there was a cease and desist order issued. A citation was issued as a follow-up. The citation was paid by the property owner.

A MOTION was made by Commissioner Zarrilli to come out of recess. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

Mrs. Ricci said she has not been to the property in three weeks, so she doesn't know if the violation persists. Commissioner O'Sullivan asked about the nature of the violations that resulted in the cease and desist order. Mrs. Ricci said it was due to the expansion with the addition of tables, the dumpster locations, the boulders, fire pit and music. Commissioner O'Sullivan asked about the current status of these issues. Ms. Cavalieri said the fire pit was removed. The issue with the boulders and the picnic tables by the water are not on her property. They are on Mr. Lichatz's property. Commissioner O'Sullivan asked how many tables remain by the water. Ms. Cavalieri said there are 4 tables there. Commissioner O'Sullivan asked if the additional tables requested for the deck requires any changes to be made to the deck. Ms. Cavalieri said there is a fence that she would take down and move back about 20' for additional space. Commissioner O'Sullivan said this change is not depicted on the site plan. Ms. Cavalieri showed on the site plan what she is proposing as far as table location.

Commissioner Aglieco asked how many tables are currently approved. Ms. Cavalieri said she has 9 tables and would like to add an additional 4 tables on the deck. Mrs. Ricci said that is not part of this application. The application is for an additional 8 tables by the water. Commissioner O'Sullivan was concerned that all this additional seating might exceed the capacity of the site. At this point he doesn't feel there is enough information to make a decision on this application.

Commissioner Aglieco said he is also concerned about the parking availability. Also, they have not settled the issue if there is or is not a cease and desist order on the property. Mr. Lichatz said

the cease and desist order was lifted by the Open Space and Conservation Commission. Mrs. Ricci said she would find out if there are any cease and desist orders still open. Commissioner Aglieco asked how many tables are currently allowed on the decks. Mrs. Ricci said 9 tables.

Commissioner Zarrilli said he would like to see a depiction by a professional of what is on the site now and what they are asking for. Mrs. Ricci said she would be visiting the site to see if there is anything on the site that is not permitted. The Commission as a whole agreed that more information was needed.

A MOTION was made by Commissioner Zarrilli to recess the Special Permit/Site Plan Application, Jenna Cavalieri, proposing to expand a seasonal restaurant use for annual use with the addition of eight tables near the Connecticut River, placement of two dumpsters and waste oil container, and the allowance for live entertainment, for property located at 277 Meadow Road, in a WF- Waterfront and Floodplain Zoning Districts, ID# 10-321. Public hearing recessed until September 17, 2014. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

D. Special Permit Application, CannLabs, Inc., proposing a medical cannabis testing/research laboratory facility of approximately 5,333 square feet within a portion of an existing building located at 712 Brook Street, Suite 102 in a BP-Business Parking Zoning District; ID # 16-282;

This application was withdrawn.

A MOTION was made by Commissioner D'Agostino for a 5-minute recess. Seconded by Commissioner Zarrilli. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Commissioner Zarrilli to come out of recess. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

2. CALL TO ORDER

Acting Chairman Clements called the meeting to order.

3. PUBLIC

Mr. Barry Goldberg of Regulatory Land Use Consulting addressed the Commission. He said at the Town Council's last meeting they made a motion for a moratorium on multi-family housing but he contends that multi-family housing is not a permitted use in Rocky Hill. You therefore, cannot have a moratorium on something that isn't allowed. The Planning and Zoning Commission eliminated multi-family use from the community 30 years ago. When the Brook Street application came before the Planning and Zoning Commission in 2011, they determined that multi-family housing was not allowed and they would not hear any application that included multi-family housing. That changed in 2012 and multi-family housing was allowed even though that was not the intent of the Regulations. Mr. Goldberg asked the Commission to think about

how they will address the Town Council's request for a moratorium on multi-family housing when it comes before them. He suggested doing an economic study on the effects of multi-family housing on a community.

Ms. Krista Mariner of 58 Farms Village Road said she was surprised to see this item regarding the moratorium on the Town Council's agenda and also wondered how the Planning and Zoning Commission would proceed. Acting Chairman Clements said they would not be commenting on this until it comes before them.

4. ADOPT THE AGENDA

A MOTION was made by Commissioner Zarrilli to adopt the Agenda. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

5. CONSENT AGENDA

A. Minutes and Working Notes from July 16, 2014

B. Minutes and Working Notes from July 22, 2014

A MOTION was made by Commissioner Zarrilli to approve the Consent Agenda. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY. The following items were approved on the Consent Agenda:

A. Minutes and Working Notes from July 16, 2014

B. Minutes and Working Notes from July 22, 2014

6. AGENDA ITEMS

A. Proposed settlement of Elm Street Ext, Rocky Hill, LLC v. Rocky Hill Planning and Zoning Commission, zoning appeals with Elm Street Ext Rocky Hill LLC, proposing to resolve and settle its pending zoning appeal by revising its plans originally submitted in August 2013 and denied November 6, 2013 submitted as part of its applications for a Special Permit and Site Plan approval for a medical office building with associated site improvements with frontage on Elm Street Extension, Rocky Hill, CT and designated as Assessor's ID # 12-157;

This hearing was recessed.

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feet, for property located at 1800 Silas Deane Highway, also known as Stepney Place, in a C-Commercial Zoning District, ID#04-412;

This hearing was continued.

C Special Permit/Site Plan Application, Jenna Cavalieri, proposing to expand a seasonal restaurant use for annual use with the addition of eight tables near the Connecticut River, placement of two dumpster and waste oil container, and the allowance for live entertainment, for property located at 277 Meadow Road, in a WF- Waterfront and Floodplain Zoning Districts, ID# 10-321;

This hearing was continued.

D. Special Permit Application, CannLabs, Inc., proposing a medical cannabis testing/research laboratory facility of approximately 5,333 square feet within a portion of an existing building located at 712 Brook Street, Suite 102 in a BP-Business Parking Zoning District; ID # 16-282;

This application was withdrawn.

7. ANY OTHER BUSINESS

A. Status Update - Plan of Conservation and Development

The next POCD meeting is this coming Tuesday at 6:30. A public workshop meeting will be held September 23rd.

8. COMMUNICATIONS

None.

9. APPROVE BILLS

None.

10. ADJOURN

A MOTION was made by Commissioner Zarrilli to adjourn the meeting. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary